IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

OP.No. 8769 of 2001(R)

PETITIONERS:

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1. **SMT.K.P.SANTHAKUMARI, CONFIDENTIAL ASSISTANT, ADDITIONAL JUDICIAL FIRST CLASS MAGISTRATE, (ECONOMIC OFFENCES), OPP. YMCA, CHITTUR ROAD, ERNAKULAM.**

2. **T.P. VARKEY, CONFIDENTIAL ASSISTANT GR.II (HR.GR.) MOTOR ACCIDENTS CLAIM TRIBUNAL, MUVATTUPUZHA.**

BY ADV. SRI.N.N.SUGUNAPALAN
SRI.GEORGE ABRAHAM

RESPONDENTS:

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1. **STATE OF KERALA, REP.BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **PRINCIPAL SECRETARY, HOME © DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**

3. **THE REGISTRAR, HIGH COURT, OF KERALA, ERNAKULAM.**

4. **THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.**

BY ADV. SRI.ELVIN PETER P.J.
ADVOCATE GENERAL
GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.14069/01 IN OP. NO.8769/01

DISMISSED

19.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE LETTER DT.12.8.99 OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE LETTER DT.22.6.99 OF THE PETITIONER SENT TO THE GOVERNMENT.

EXT.P3:- COPY OF THE COMMUNICATION DT.1`2.10.99 RECEIVED BY THE 3RD RESPONDENT FROM THE GOVERNMENT.

EXT.P4:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE GOVERNMENT DT.21.2.2000.

EXT.P5:- COPY OF THE JUDGMENT IN OP. 7573/2000 DT.10.3.2000.

EXT.P6:- COPY OF THE ARGUMENT NOTE SUBMITTED BY THE PETITIONER DT.9.8.2000 BEFORE THE 2ND RESPONDENT.

EXT.P7:- COPY OF THE GO.NO. GO(RT) NO.708/01/HOME.

EXT.P8:- COPY OF THE RELEVANT PAGES OF THE REVISION OF SCALE OF PAY OF GOVERNMENT EMPLOYEE'S AND THE STAFF OF EDUCATIONAL INSTITUTIONS AND LOCAL BODIES, REVISED BY GOVERNMENT.

EXT.P9:- COPY OF THE GOVERNMENT ORDER NO.GO(MS)NO.1933/99(47)/FIN DT. 6.10.99.

EXT.P10:- COPY OF THE LETTER ISSUED BY THE PRINCIPAL SECRETARY TO GOVERNMENT , HOME (C) DEPARTMENT DT.6.8.01 TO VARIOUS SERVICE ORGANISATIONS.

EXT.P11:- COPY OF THE GO(P) NO.MS NO.24/02/P & ARD DT/.9.5.02.

EXT.P12:- COPY OF THE STATEMENT SHOWING DIFFERENCE IN PAY.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P. NO. 8769 OF 2001

Dated this the 19th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

> "(i) Issue a writ of certiorari or any other appropriate writ, order to quash Ext.P7 order passed by the respondents.
>
> (ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to grant to the petitioners and other Confidential Assistants in the subordinate judiciary service, very same service conditions with read to pay scale, promotion avenues, etc., as that are available to the Confidential Assistants in the Secretariat service."

Learned Special Government Pleader submits that the 1st respondent has constituted a commission to look into the anomalies. There will be a direction to the commission to look into the matter, with notice to the petitioners, and take appropriate action to redress the grievance of the petitioners, within a period of three months from the date of production of a copy of this judgment by the petitioner. It is made clear that while the anomaly commission taking action as above, treatment given to similarly situated employees in Ext.P8 will also be taken into consideration. It is further made clear that the commission will examine the matter ignoring Ext.P7. The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.8769/01

JUDGMENT

19th DECEMBER, 2006